

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2846
OFFERED BY GOODLING**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. FINDINGS.

2 The Congress finds the following:

3 (1) High State and local standards in reading,
4 mathematics, and other core academic subjects are
5 essential to the future well-being of elementary and
6 secondary education in this country.

7 (2) State and local control of education is the
8 hallmark of education in the United States.

9 (3) Each of the 50 States already utilizes nu-
10 merous tests to measure student achievement, in-
11 cluding State and commercially available assess-
12 ments. State assessments are based primarily upon
13 State and locally developed academic standards.

14 (4) Public Law 105-78, the Labor, Health and
15 Human Services and Education Appropriations Act,
16 1998, ensures that Federal funds may not be used
17 to field test, pilot test, implement, administer, or
18 distribute in any way, any federally sponsored na-

1 tional test in fiscal year 1998, requires the National
2 Academy of Sciences to conduct a study to deter-
3 mine whether an equivalency scale can be developed
4 that would allow existing tests to be compared one
5 to another, and permits very limited test develop-
6 ment activities in fourth grade reading and eighth
7 grade mathematics in fiscal year 1998.

8 (5) There is no specific or explicit authority in
9 current Federal law authorizing the proposed feder-
10 ally sponsored national tests in fourth grade reading
11 and eighth grade mathematics.

12 (6) The decision of whether or not this country
13 implements, administers, disseminates, or otherwise
14 has federally sponsored national tests in fourth
15 grade reading and eighth grade mathematics or any
16 other subject, will be determined primarily through
17 the normal legislative process involving Congress and
18 the respective authorizing committees.

19 **SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TEST-**
20 **ING.**

21 Part C of the General Education Provisions Act is
22 amended by adding at the end the following:

23 **“§ 447. Prohibition on federally sponsored testing**

24 “(a) GENERAL PROHIBITION.—Notwithstanding any
25 other provision of Federal law and, except as provided in

1 sections 305 through 311 of Public Law 105–78, the
2 Labor, Health and Human Services and Education Appro-
3 priations Act, 1998, funds provided to the Department of
4 Education or to an applicable program under this Act or
5 any other Act, may not be used to develop, plan, imple-
6 ment (including pilot testing or field testing), or admin-
7 ister any federally sponsored national test in reading,
8 mathematics, or any other subject that is not specifically
9 and explicitly provided for in authorizing legislation en-
10 acted into law.

11 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
12 the Third International Math and Science Study or other
13 international comparative assessments developed under
14 authority of section 406(a)(6) of the National Education
15 Statistics Act of 1994, and administered to only a rep-
16 resentative sample of pupils in the United States and in
17 foreign nations.”.